

U.S. BANKRUPTCY COURT
FILED
TRENTON, NJ

Last revised 9/1/10

2017 JUL 13 A 10:48

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

By: WALTERS DOUGLAS L
DEPUTY CLERK

Case No.: 15-30707 KCF

Judge: FERGUSON

Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☒ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: 6/13/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. It contains an important supplement to Part 4 regarding secured claims. The supplement sets out filing requirements for proofs of claim for secured claims, and requirements regarding claims secured by a security interest in the debtor's principal residence, including notice of payment changes and notice of fees, expenses and charges incurred in connection with the claim after the bankruptcy case was filed. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 4,400 per MONTHLY to the Chapter 13 Trustee, starting on 7-1-2017 for approximately 41 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

1 PAYMENT, APROX. \$45,000 PAID JUNE 1, 2020 FROM FIDELITY 401 K FUNDS TO SECURED ONLY

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
ROBERT NISENSEN	ATTORNEY	\$3,000.00

Part 4: Secured Claims

Please see the Supplement to this section containing information regarding secured claims. It is located at the end of the Plan.

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
CALIBER/ CONSENT/9-28-16	PRIMARY/2 TRESTLE WAY NJ	\$153,364.00		\$153,364.00	\$2,400.00
DITECH/cram-20 16	810 DAYTON NJ	\$35,000.00	5%	45,387.60	0
CALIBER/cram2016	319 BRINTON NJ	35,000.00	5%	39,629.40	0

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
CALIBER/consent 9/28/2016	2 trestle way	153,364.00	153,364.00				153,364.00
DITECH/consent 08/2016	810 Dayton	\$40,085.33	\$35,000.00			5%	\$45,387.60
CALIBER/consent 09/2016	319 Brinton	\$39,629.40	\$35,000.00			5%	\$39,629.40

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
;			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

us bank/nationstar
618 indiana avenue
Trenton nj -new mortgage per consent

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
☐ Not less than _____ percent
☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with a Chapter 13 Plan Transmittal Letter, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Proof of Service must be filed with the Clerk of Court when the Plan and Transmittal Letter are served.

Where a motion to avoid liens or partially avoid liens has been filed in the plan, a proof of claim filed that asserts a secured claim that is greater than the amount to be paid in the plan serves as opposition to the motion, and serves as an objection to confirmation. The proof of claim shall be served in accordance with D.N.J. LBR 3015-6(a). The creditor shall file a proof of service prior to the scheduled confirmation hearing. In order to prosecute the objection, the creditor must appear at the confirmation hearing, which shall be the hearing on the motion. Failure to appear to prosecute the objection may result in the motion being granted and the plan being confirmed pursuant to the terms as set forth in the plan.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
DITECH/GREENTREE CONSENT-8-20-16	810 DAYTON ST	MTG-CRAM CONSENT	\$100,336.00	\$35,000.00			\$60,250.67
US BANK/CALIBER CONSENT-9-20-2016	319 BRINTON NJ	MTG-CRAM CONSENT	\$109,516.00	\$35,000.00			\$66,000.00

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
us bank/nationstar 618 indiana ave meriden nj	56,750	59,617.19 new mortgage	82,568.52

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) secured
- 3) priority
- 4) unsecured

d. Post-Petition Claims

The Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 08/01/2016

Explain below **why** the plan is being modified:

LOAN MOD DENIED- CONSENT ORDER/2016 (PRIMARY 2
TRESTLE WAY DAYTON NJ 08810) ADDED TO REPAYMENT
INSIDE PLAN
REMOVING US BANK/NATIONSTAR FROM INSIDE PLAN
PAYMENTS PER CONSENT 9/28/2016 NEW MORTGAGE TO
BE PAID OUTSIDE PLAN 30 YEARS @ 5%
REMOVE CREDITOR-TRENTON NO PROOF OF CLAIM

Explain below **how** the plan is being modified:

41 PAYMENTS X \$4,400.00 (FUTURE EARNINGS)
01 PAYMENT X(APROXIMATELY) \$45,000.00 JUNE, 2020
(401K FUNDS) TO CURE PLAN ARREARAGES TO
SECURED ONLY
BEGIN JULY 1-2017

Are Schedules I and J being filed simultaneously with this Modified Plan?

Yes

☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: _____

PRO -SE

Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: 7/13/2017


Debtor

Date: _____

Joint Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

DOUGLAS L WALTERS
2 TRESTLE WAY
DAYTON NJ 08810
609-731-4579

In Re:

WALTERS, DOUGLAS L PRO SE

Case No.: 15-30707

Chapter: 13

Adv. No.: _____

Hearing Date: 08/09/2017

Judge: FERGUSON

CERTIFICATION OF SERVICE

1. I, DOUGLAS WALTERS :

☐ represent _____ in this matter.

☐ am the secretary/paralegal for _____, who represents
_____ in this matter.

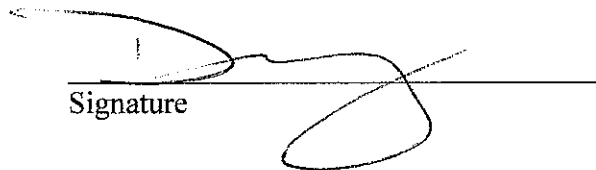
☒ am the DEBTOR in this case and am representing myself.

2. On _____, I sent a copy of the following pleadings and/or documents
to the parties listed in the chart below.

3. I certify under penalty of perjury that the above documents were sent using the mode of service
indicated.

Date: 07-13-2017

Signature



Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
NISENSEN 10 Auer court East Brunswick NJ 08816	Debtor/attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
Schachter 3490 us route. 1 Princeton NJ 08540	Creditor attorney	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input checked="" type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
CAPITAL ONE PO.BOX 71083 CHAROTTE NC. 28272	CREDITOR	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input checked="" type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
CREDIT ONE P.O. BOX 98872 LAS VEGAS NV. 89139	CREDITOR	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input checked="" type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
CALIBER P.O.BOX 24610 OKLAHOMA CITY OK 73124	CREDITOR	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input checked="" type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
DITECH PO BOX 5164 RAPID CITY SD. 57709	CREDITOR	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input checked="" type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
NATIONSTAR FKA SCENICA 8950 CYPRESS WATER COPPELL TX. 75019	CREDITOR	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input checked="" type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
TRENTON PO BOX 210 TRENTON NJ 08638	CREDITOR	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input checked="" type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
PHELAN 400 FELLOWSHIP SUITE 100 MT. LAUREL NJ 08054	ATTORNEY/CREDITOR	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input checked="" type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
LAUREN LUPICA 5 SCENIC DRIVE DAYTON NJ 08810	CHILD SUPPORT	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)
[Enter your name, address and telephone number]

DOUGLAS, L WALTERS
1 TRESTLE WAY
DAYTON, N.S. 08810
609-731-4579 cell

In Re:
[Enter the debtor's name(s)]

WALTERS, DOUGLAS, L
Pr-sc

Case No.:

15-30707
[Enter the case number]

Chapter:

13
[Enter the chapter; example: 13]

Hearing Date:

8-9-2017
[Enter the hearing date]

Judge:

KCF
[Enter the Judge's last name]

STATEMENT AS TO WHY NO BRIEF IS NECESSARY

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the Court's consideration of this motion, as it does not involve complex issues of law.

Date: 7-13-2017
[Enter the date this document is signed]

Debtor's Signature

Date: _____
[Enter the date this document is signed]

Joint Debtor's Signature, if any